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January 8, 2010

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, California 90017

**Re: Yosemite Creek Superfund Site, San Francisco, CA
Response to 104(e) Information Request**

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to Tyco Electronics ("TE") (for Raychem Corporation) with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, TE submits the following in response to the RFI and in accordance with the January 11, 2010 due date that EPA has established for this response.

The RFI purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between TE and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA.

As you know, the California Department of Toxic Substances Control ("DTSC") conducted an extensive investigation of the BAD Site and Raychem's/TE's operations in connection with it. DTSC's investigation included an information request to Raychem and the DTSC files include Raychem's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

GENERAL OBJECTIONS

TE asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. TE asserts all privileges and Protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and Protections related to materials generated in anticipation of litigation, the settlement communication Protection, the confidential business information ("CBI") and trade secret Protections, and any other privilege or Protection available to it under law.
2. TE objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Raychem's operations in connection with it. DTSC's investigation included an information request to Raychem and the DTSC files include Raychem's Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.
3. TE objects to Instruction 4 to the extent it seeks to require TE, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." TE is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.
4. TE objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on TE to supplement these responses. TE will, of course, comply with any lawful future requests that are within EPA's authority.
5. TE objects to Instruction 6 in that it purports to require TE to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of TE. EPA lacks the authority to require TE to seek information not in its possession, custody or control.

6. TE objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in TE's possession, custody, or control. TE disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by TE] to exist" but not in TE's possession, custody, or control.

7. TE objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.

8. TE objects to the definition of "you," "Respondent," and "TE" in Definition 14 because the terms are overbroad and it is not possible for TE to answer questions on behalf of all the persons and entities identified therein.

RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Raychem is not feasible given Raychem's 50+ years of operation and the very wide variety of products manufactured. An example of the types of products manufactured by Tyco Electronics under the Raychem brand name can be found at <http://www.tycoelectronics.com/components/default.aspx> ("products" tab).

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
- b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*

- c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, TE has been advised that a Jack Hamilton, who apparently was associated with the Bay Area Drum Company, stated in an interview in the early 1990s with the DTSC and the Bay Area Drum Ad Hoc PRP Group that Raychem sent a total of approximately 10,700 drums to the Site between 1958 and 1970. Tyco Electronics is unaware of whether the testimony referred to drums from a specific site, although Raychem's primary operation was located at 300 Constitution Drive in Menlo Park and adjacent properties. Tyco Electronics has no other information indicating that Tyco Electronics/Raychem sent any waste to the Site, nor does Tyco Electronics concede that Mr. Hamilton's alleged statement is correct.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. *the date such operations commenced and concluded; and*
- b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, TE objects to the request in (b.) that it describe "types of work performed at each location over time" Without an identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see responses to questions 1 and 2 above. Raychem's operations at the site consisted of manufacturing of electronic components and related products, and processes included molding, electron beaming, assembly, extrusion, expansion of plastic tubing, compounding of materials and other operations.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Raychem's Facilities and the BAD Site, Request No. 5 purports to seek information relating to TE's Facilities that is not relevant to contamination at the Site. Notwithstanding the foregoing, and without any waiver of its objections, Tyco Electronics states that Raychem did purchase, use and store one or more of the COCs at its 300 Constitution Ave. Facility

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at Raychem's Facilities and the BAD Site, Request No. 10 purports to seek information relating to Raychem's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Tyco Electronics states that Raychem did purchase, use and/or store hydraulic oil or transformer oil at its 300 Constitution Ave. Facility

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*

- b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identify all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

18. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

19. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

20. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. *the type of container in which each type of waste was placed/stored;*

- b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

21. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. *the colors of the containers;*
- c. *any distinctive stripes or other markings on those containers;*
- d. *any labels or writing on those containers (including the content of those labels);*
- e. *whether those containers were new or used; and*
- f. *if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

22. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

23. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

24. *Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

25. *Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

26. *Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. TE further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding the foregoing, and without waiving any objections, Tyco Electronics states that the 300 Constitution Ave. facility has been the subject of a DTSC and EPA cleanup.

27. *Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and TE's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. TE understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

28. *Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

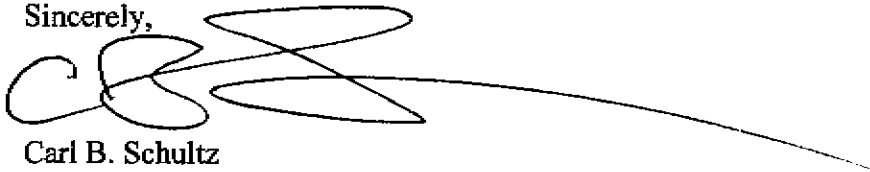
29. *Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

RESPONSE:

In addition to the General Objections set forth above, TE objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and TE's operations in connection with it. DTSC's investigation included an information request to Raychem and the DTSC files include TE's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Any questions EPA may have regarding the responses to this information request may be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. B. Schultz', with a long horizontal line extending to the right.

Carl B. Schultz